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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/572,378

03/16/2006

Kazuyoshi Koizumi

NIF-107

5660

32628

7590

07/19/2007

KANESAKA BERNER AND PARTNERS LLP

1700 DIAGONAL RD

SUITE 310

ALEXANDRIA, VA 22314-2848

EXAMINER

RASHID, MAHBUBUR

ART UNIT

PAPER NUMBER

3683

MAIL DATE

DELIVERY MODE

07/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,378

Applicant(s)

KOIZUMI ET AL.

Examiner

Mahbubur Rashid

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/16/2006; 10/27/2006.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species E: Figs 11-20 in the reply filed on 06/26/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. **Claim 2** is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species A: Figs 1-4, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 06/26/2007.

Information Disclosure Statement

3. The information disclosure statements (IDS) were submitted on 03/16/2006 and 10/27/2006. Accordingly, the examiner has considered the information disclosure statement, see attached 1449.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 1, 3 and 4** are rejected under 35 U.S.C. 102(a) as being anticipated by Hayashi (US 2004/0045398 A1).

Regarding **claim 1**, Hayashi discloses a rotary damper (fig. 2) comprising:
a housing (fig. 2, (10));
a viscous fluid ([0048]-[0050]) being housed inside the housing;
a rotor (fig. 2, (20)) wherein a resistive portion (fig. 2, (24)) which moves through said viscous fluid inside said housing is provided in an axial portion being housed inside said housing and whose one part projects from said housing (fig. 2, (10)); and
a sealing member (fig. 2, (32)) preventing said viscous fluid from leaking between said axial portion and said housing ([0037]), and multiple air retention portions (the opening between each (24) in fig. 3) are provided in said resistive portion in a circumferential direction, and an air movement passage (fig. 2, see recess at the (24)) connecting the air retention portions is provided.

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Re-claim 3, see multiple air retention (the opening between each (24) in fig. 3) and ^{air} ~~air~~ movement passage (fig. 2, see recess at the (24)).

Re-claim 4, see multiple air retention portions (the opening between each (24) in fig. 3).

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahbubur Rashid whose telephone number is (571) 272-7218. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mhr

 7/9/07
ROBERT A. SICONOLFI
SUPERVISORY PATENT EXAMINER